

United States Bankruptcy Court
Middle District of Tennessee

In re:
JAMES WHITFIELD LIVINGSTON
Debtor

Case No. 20-03559-MFH
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0650-3

User: jmw0113
Form ID: pdf001

Page 1 of 1
Total Noticed: 12

Date Rcvd: Jul 31, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 02, 2020.

db
7182251 +JAMES WHITFIELD LIVINGSTON, PO BOX 91047, Nashville, TN 37209-9047
7182253 AMERICAN EXPRESS, 1201 KINGSVIEW CIRCLE SE, Smyrna GA 30080
7182254 +BEST BUY, 7601 PENNE AVENUE, Minneapolis MN 55423-3683
7182255 Cassie Burton, c/o Sherwood Litigation, 201 4th Ave N S 1130, Nashville TN 37219
7182255 +FARM CREDIT MID AMERICA, 5015 SOUTH 118TH STREET, Omaha NE 68137-2210
7182256 +FIRST HERITAGE CREDIT, 122 SOUTH HARTMANN DRIVE, SUITE A, Lebanon TN 37087
7182711 +First Heritage Credit, 1221 S Hartmann Dr Ste A, Lebanon, TN 37090-4109
7182257 +Lauren Lowe, 3811 Woodmont Ln, Nashville TN 37215-1715
7182258 +Milessa Thomas, c/o Christopher Boiano Esq., 115 Shivel Dr., Hendersonville TN 37075-3536
7182260 +TN CHILD SUPPORT, DEPT OF HUMAN SERVICES, 400 DEADERICK ST 14TH FLOOR,
NASHVILLE TN 37243-1403

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

7182252 +E-mail/Text: bankruptcy@bandt.com Aug 01 2020 03:12:12 BB&T BANKRUPTCY SECTION,
100-50-01-51, PO BOX 1847, WILSON NC 27894-1847
7182259 +E-mail/PDF: gecsedirecoverycorp.com Aug 01 2020 09:04:34 SYNCHRONY BANK, PO BOX 530960,
Atlanta GA 30353-0960

TOTAL: 2

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 02, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 29, 2020 at the address(es) listed below:

LEFKOVITZ AND LEFKOVITZ, PLLC on behalf of Debtor JAMES WHITFIELD LIVINGSTON
slefkovitz@lefkovitz.com,
stevelefkovitz@aol.com;slbkecf@gmail.com;khancock@lefkovitz.com;lefkovitzcvlecf@lefkovitz.com;r5
2946@notify.bestcase.com;mspezia@lefkovitz.com
US TRUSTEE ustpreion08.na.ecf@usdoj.gov

TOTAL: 2

Debtor **JAMES WHITFIELD LIVINGSTON**

United States Bankruptcy Court for the

MIDDLE DISTRICT OF TENNESSEE

[Bankruptcy district]

☐ Check if this is an amended plan

Case number: _____

Chapter 13 Plan

Part 1: Notices

To Debtor(s): This form sets out options that are appropriate in some cases but not in others. The presence of an option does not indicate that the option is appropriate in your circumstances.

To Creditors: Your rights are affected by this plan. Your claim may be reduced, modified, or eliminated.

If you oppose the treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 5 days before the meeting of creditors or raise an objection on the record at the meeting of creditors. The Bankruptcy Court may confirm this plan without further notice if no timely objection to confirmation is made. In addition, a timely proof of claim must be filed before your claim will be paid under the plan.

Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If an item is not checked as "Included" or if both boxes are checked, the provision will not be effective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in partial payment or no payment to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 9.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

Payments made by	Amount of each payment	Frequency of payments	Duration of payments	Method of payment
<input checked="" type="checkbox"/> Debtor 1	\$1,155.00	Monthly	60 months	<input checked="" type="checkbox"/> Debtor will make payment directly to trustee
<input type="checkbox"/> Debtor 2				<input type="checkbox"/> Debtor consents to payroll deduction from:

Insert additional lines as needed.

2.2 Income tax refunds.

Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows:

2.3 Additional payments.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.3 need not be completed or reproduced.

2.4 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.3 is \$69,300.00.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default. Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ Installment payments on the secured claims listed below will be maintained, and any arrearage through the month of

confirmation will be paid in full as stated below. Both the installment payments and the amounts to cure the arrearage will be disbursed by the trustee.

Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the current installment payment and arrearage. After confirmation of the plan, the trustee shall adjust the installment payments below in accordance with any such proof of claim and any Notice of Mortgage Payment Change filed under Rule 3002.1. The trustee shall adjust the plan payment in Part 2 in accordance with any adjustment to an installment payment and shall file a notice of the adjustment and deliver a copy to the debtor, the debtor's attorney, the creditor, and the U.S. Trustee, but if an adjustment is less than \$25 per month, the trustee shall have the discretion to adjust only the installment payment without adjusting the payments under Part 2. The trustee is further authorized to pay any postpetition fee, expense, or charge, notice of which is filed under Bankruptcy Rule 3002.1 and as to which no objection is raised, at the same disbursement level as the arrearage.

Confirmation of this Plan imposes on any claim holder listed below the obligation to:

- Apply arrearage payments received from the trustee only to such arrearages.
- Treat the obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties, or other charges.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Name of Creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage, if any	Interest rate on arrearage (if applicable)	Monthly payment on arrearage, if any
FARM CREDIT MID AMERICA	3904 Hwy 31 E Bethpage, TN 37022 Sumner County	\$413.00	Prepetition: \$413.00 Gap payments: \$826.00 Last month in gap: September, 2020	0.00%	pro-rata

Insert additional claims as needed.

3.2 Request for valuation of security and claim modification. Check one.

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506. Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
☒ The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year before the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full through the trustee as stated below. The claim amount stated on a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment
BB&T BANKRUPTCY SECTION	2016 Toyota Tundra	\$19,986.00	3.25%	\$362.00

Insert additional claims as needed.

3.4 Lien avoidance. Check one.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral. Check one.

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☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.**Part 4: Treatment of Priority Claims (including Attorney's Fees and Domestic Support Obligations)****4.1 Attorney's fees.**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$0.00**. The remaining fees and any additional fees that may be awarded shall be paid through the trustee as specified below. Check one.

☐ The attorney for the debtor(s) shall receive a monthly payment of \$.☒ The attorney for the debtor(s) shall receive available funds.**4.2 Domestic support obligations.****(a) Pre- and postpetition domestic support obligations to be paid in full. Check one.**☐ **None.** If "None" is checked, the rest of § 4.2(a) need not be completed or reproduced.☒ The debtor(s) will maintain postpetition payments on the domestic support obligation(s) listed below. These payments will be disbursed either by the trustee or directly by the debtor, as specified. Any arrearage on a listed claim will be paid in full through the trustee. If no monthly payment is stated, the trustee will disburse available funds to cure the arrearage. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the postpetition payment and arrearage. Unless a proof of claim filed in accordance with the Bankruptcy Rules states an arrearage through a later month, the arrearage will only include amounts due as of the petition date.

Name of Creditor	Current monthly payment	Amount of arrearage, if any	Monthly payment on arrearage, if any	When ongoing obligation terminates
Lauren Lowe	\$750.00	\$0.00	\$0.00	06/2037
Disbursed by:				
<input type="checkbox"/> Trustee				
<input checked="" type="checkbox"/> Debtor(s)				

*Insert additional claims as needed.***(b) Domestic support obligations assigned or owed to a governmental unit and paid less than full amount. Check one.**☒ **None.** If "None" is checked, the rest of § 4.2(b) need not be completed or reproduced.**4.3 Other priority claims. Check one.**☐ **None.** If "None" is checked, the rest of § 4.3 need not be completed or reproduced.**Part 5: Treatment of Nonpriority Unsecured Claims and Postpetition Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☐ The sum of \$☒ **1.00** % of the total amount of these claims.☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

5.4 Separately classified nonpriority unsecured claims. Check one.

☒ **None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

5.5 Postpetition claims allowed under 11 U.S.C. § 1305.

Claims allowed under 11 U.S.C. § 1305 will be paid in full through the trustee.

Part 6: Executory Contracts and Unexpired Leases**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.
☒ **Assumed contracts or leases.** Current installment payments will be disbursed by the trustee or directly by the debtor, as specified below. Arrearage payments will be paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the installment payment and arrearage.

Name of Creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid
Diane Frey	Residential Lease	\$1,695.00	\$0.00
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)	

Insert additional claims as needed.

Part 7: Order of Distribution of Available Funds by Trustee**7.1 The trustee will make monthly disbursements of available funds in the order specified. Check one.**

☒ **Regular order of distribution:**

- Filing fees paid through the trustee
- Current monthly payments on domestic support obligations
- Other fixed monthly payments

If available funds in any month are not sufficient to disburse all fixed monthly payments due under the plan, the trustee will allocate available funds in the order specified below or pro rata if no order is specified. If available funds in any month are not sufficient to disburse any current installment payment due under § 3.1, the trustee will withhold the partial payment amount and treat the amount as available funds in the following month.

Insert additional lines as needed.

- Disbursements without fixed monthly payments, except under §§ 5.1 and 5.5

The trustee will make these disbursements in the order specified below or pro rata if no order is specified.

Insert additional lines as needed.

- Disbursements to nonpriority unsecured claims not separately classified (§ 5.1)

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f. Disbursements to claims allowed under § 1305 (§ 5.5)

Part 8: Vesting of Property of the Estate

8.1 Property of the estate will vest in the debtor(s) upon discharge or closing of the case, whichever occurs earlier, unless an alternative vesting date is selected below. Check the applicable box to select an alternative vesting date:

Check the applicable box:

☐ plan confirmation.

☒ other: Entry of Discharge

Part 9: Nonstandard Plan Provisions

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 10: Signatures:

X /s/ Steven L. Lefkovitz Date July 29, 2020
Steven L. Lefkovitz 5953
Signature of Attorney for Debtor(s)

X /s/ JAMES WHITFIELD LIVINGSTON Date July 29, 2020
JAMES WHITFIELD LIVINGSTON

X _____ Date _____

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form required under the Local Rules for the Bankruptcy Court for the Middle District of Tennessee, other than any nonstandard provisions included in Part 9.